
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 85

**The Air Weapons and Licensing (Scotland) Act 2015
(Commencement No. 2 and Transitional Provisions) Order 2016**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Air Weapons and Licensing (Scotland) Act 2015 (Commencement No. 2 and Transitional Provisions) Order 2016 and comes into force on 16th March 2016.

(2) In this Order—

“the 2015 Act” means the Air Weapons and Licensing (Scotland) Act 2015;

“metal dealers licence” means a licence required under section 28(1) of the 1982 Act; and

“itinerant metal dealers licence” means a licence required under section 32(1) of the 1982 Act.

Appointed day

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the 2015 Act specified in column 1 of the table in the Schedule (the subject matter of which is described in column 2 of that table) is specified in column 3 of that table.

(2) Where a purpose is specified in column 4 of that table in relation to any provision specified in column 1, that provision comes into force in accordance with paragraph (1) for that purpose only.

Transitional provision: section 66 of the 2015 Act

3.—(1) The amendments made by section 66 of the 2015 Act do not apply in relation to an offence committed prior to 1st September 2016.

(2) For the purposes of paragraph (1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it is to be taken to have been committed on the first of those days.

Transitional provision: sections 67 and 72 of the 2015 Act

4. Where a metal dealers licence or itinerant metal dealers licence is required following the commencement of sections 67 or 72 of the 2015 Act, such a licence granted before 1st September 2016 is not to take effect until that date (unless for the purposes of notification of changes, alteration of circumstances or the variation or suspension of the licence).

Transitional provision: section 67 of the 2015 Act

5.—(1) Where a person who, on or after 1st September 2016, would not require a metal dealers licence but for the commencement of section 67 of the 2015 Act, does anything for which such a licence is required, that person is not guilty of an offence under section 7(1) of the 1982 Act for failure to have such a licence if—

- (a) that person has been issued with an exemption warrant or a temporary exemption warrant under section 29 of the 1982 Act that remains in force on 1st September 2016;
 - (b) that person has, before 1st June 2016, applied to the licensing authority for the grant of a metal dealers licence; and
 - (c) the application has, through no failure on the part of that person, not been finally determined.
- (2) For the purposes of paragraph (1)(c), an application is finally determined when—
- (a) it is granted;
 - (b) it is withdrawn; or
 - (c) it is refused by the licensing authority and either—
 - (i) the period of 28 days specified in paragraph 18(4) of Schedule 1 to the 1982 Act expires without an appeal against the refusal being made to the sheriff; or
 - (ii) an appeal against a refusal is withdrawn or dismissed and there is no further right of appeal.

Transitional provision: section 72 of the 2015 Act.

6.—(1) Where a person who, on or after 1st September 2016, would not require a metal dealers licence or itinerant metal dealers licence but for the commencement of section 72 of the 2015 Act, does anything for which such a licence is required, that person is not guilty of an offence under section 7(1) of the 1982 Act for failure to have such a licence if—

- (a) that person has, before 1st June 2016, applied to the licensing authority for the grant of a metal dealers licence or itinerant metal dealers licence; and
 - (b) the application has, through no failure on the part of that person, not been finally determined.
- (2) For the purposes of paragraph (1)(b), an application is finally determined when—
- (a) it is granted;
 - (b) it is withdrawn; or
 - (c) it is refused by the licensing authority and either—
 - (i) the period of 28 days specified in paragraph 18(4) of Schedule 1 to the 1982 Act expires without an appeal against the refusal being made to the sheriff; or
 - (ii) an appeal against a refusal is withdrawn or dismissed and there is no further right of appeal.

St Andrew's House,
Edinburgh
2nd February 2016

MICHAEL MATHESON
A member of the Scottish Government